

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
) CASE NO. CR20-119 RSL
Plaintiff,)
)
v.)
) ORDER DENYING REQUEST TO
LEO DICKERSON,) REOPEN DETENTION ORDER
)
Defendant.)
_____)

Defendant has been indicted on two counts of Unlawful Possession of a Firearm. (Dkt. 11.) He is also charged with violating the conditions of Supervised Release. (CR18-226 RSL, Dkt. 94) Defendant was detained by this Court following his first appearance and subsequent arraignment on the instant charge. (Dkt. 8.) He is also detained pending hearing on supervised release allegations. He now moves to reopen the detention hearing, requesting release on GPS location monitoring under 18 U.S.C. § 3142(f)(2). In the alternative, defendant requests temporary release under 18 U.S.C. § 3142(i), citing as a “compelling reason” the COVID-19

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01 pandemic and his increased risk due to obesity and possible hypertension. The government
02 opposes the motion. (Dkt. 23.) The motion was referred by The Honorable Robert S. Lasnik to
03 the undersigned for decision. (Dkt. 27.) The Court assumes, without specifically finding,
04 defendant has shown sufficient basis to reopen the detention hearing under 18 U.S.C. §
05 3142(f)(2).

06 Defendant indicates his believes his current weight is about 400 pounds. At a height
07 of 5 feet, 4 inches, his Body Mass Index would put him in the “severely obese” range, and at
08 particular risk for severe health consequences if he were to contract COVID-19. He also
09 believes he suffers from hypertension, an additional risk-elevating condition. He requests
10 release to reside with his mother and toddler son, with GPS location monitoring, and
11 participation in the Community Passageways support program. Defendant argues these release
12 conditions would reasonably address any risk of nonappearance or risk of danger to the
13 community under 18 U.S.C. § 3142(c), and would allow him to remain safely at home instead
14 of continuing to experience the risk of exposure to the corona virus at the Federal Detention
15 Center.

16 Defendant has a lengthy criminal record that includes numerous failures to appear,
17 bench warrant activity, eluding a police vehicle, and firearms offenses. At the time of the one
18 of the alleged offenses for which he has been indicted, defendant was on federal supervision
19 for firearms offenses. His supervision was revoked in July 2019 after being found in a vehicle
20 with two other individuals on federal supervised release for firearm-related offenses. Three
21 firearms were found in the vehicle next to defendant, two of which were connected to shootings
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01 in the Seattle area. He was sentenced to 9 months in custody for violation of supervised
02 release. He was released in February 2020 to finish the final month of that sentence on house
03 arrest at his mother's house. Before completing that sentenced, he was re-arrested and charged
04 with unlawful possession of firearms. In May 2020, he was found again associating with
05 known felons. A search of the vehicle located alcohol and two rounds of rifle ammunition.

06 Defendant's argument that he would be safer in the community than housed at the FDC
07 required the Court to assume defendant would comply with COVID-19 public health directives.
08 Defendant's past conduct gives the Court no basis to make such an assumption. As the
09 government notes, when defendant was arrested in May 2020 he was not following those
10 directives. Defendant's supervised release has already been revoked for failing to follow court
11 directives, and he is awaiting hearing on further similar allegations. The record does not
12 effectively rebut the presumption that no condition or combination of conditions will reasonably
13 assure the appearance of the defendant as required and the safety of the community.

14 The motion is DENIED.

15 DATED this 18th day of September, 2020.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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